

CONGRESSIONAL RECORD SUMMARY

Tuesday, June 25, 2002

SENATE

Measures Introduced:

S. 2673. An original bill to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, ***to increase corporate responsibility and the usefulness of corporate financial disclosure***, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

Sarbanes

Page S 6013

Measures Reported:

S. 2530, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers. (Senate Report No. 107-176)

S. 2673, to improve quality and transparency in financial reporting and independent audits and accounting services for public companies, to create a Public Company Accounting Oversight Board, to enhance the standard setting process for accounting practices, to strengthen the independence of firms that audit public companies, to increase corporate responsibility and the usefulness of corporate financial disclosure, to protect the objectivity and independence of securities analysts, to improve Securities and Exchange Commission resources and oversight.

Pages S 6013, D 672

Measures Passed:

Mass Transportation Safety: Senate passed S. 2621, to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems.

Pages S 6046-7, D 672

"... Notwithstanding common parlance, the district court relied on the narrow definition to conclude that an aircraft is not a 'vehicle' within the meaning of section 1993. The new section 1993 was intended to provide broad Federal criminal jurisdiction over terrorist and violent acts against all mass transportation systems, not only bus services, but also commercial airplanes, cruise ships, railroads and other forms of transportation available for public carriage..." (Leahy, page S 6047)

S. 2514. National Defense Authorization Act:

Senate continued consideration of S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendment proposed thereto:

Pages S 5973-95, S 5996-99, S 6001-8, D 672

S. 2514. National Defense Authorization Act (Cont.):

Rejected:

Kennedy Amendment No. 3918, to provide for equal competition in contracting. (By 50 yeas to 49 nays (Vote No. 162), Senate tabled the amendment.)

Pages S 5973-85, D 672

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, June 27, 2002.

Pages S 6001, D 672

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Wednesday, June 26, 2002.

Pages S 6048, D 672

Executive Communications:

EC-7603. A communication from the Attorney General, Department of Justice, *transmitting, pursuant to law, the Attorney General's Semiannual Management Report and the Report of the Office of the Inspector General for the period October 1, 2001 to March 31, 2002*; to the Committee on Governmental Affairs.

Page S 6012

Committee Meetings:

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine the President's proposal for reorganizing our homeland defense infrastructure.

Page D 674

Committee Meetings For Wednesday, June 26, 2002:

Committee on Governmental Affairs: @ 9:30 a.m. To hold hearings to examine the relationship between a Department of Homeland Security and the intelligence community. SD-342.

Committee on Governmental Affairs: @ 3:00 p.m. Full Committee, to hold hearings on the nomination of *James E. Boasberg*, to be an *Associate Judge of the Superior Court of the District of Columbia*. SD-342.

Committee on Indian Affairs: @ 10:00 a.m. To hold hearings to examine the status of tribal trust funds. SD-628.

Committee on the Judiciary: @ 9:30 a.m. To hold hearings to examine the President's proposal for reorganizing our homeland defense infrastructure. SD-106.

Committee on the Judiciary: @ 2:00 p.m. Subcommittee on Immigration, to hold hearings to ***examine immigration reform*** and the reorganization of homeland defense. SD-226.

Page D 678

Remarks:

Pension Reform.

Bingaman

Page S 5970

Supreme Court Decision In Atkins vs Virginia.

*"... last week the **Supreme Court** ruled, in a case called Atkins v. Virginia, that the execution of mentally retarded persons violates the eighth amendment's prohibition of cruel and unusual punishment. The Court thereby reversed its 1989 holding in Penry v. Lynaugh, which it decided at a time when only two States with death penalty laws forbade the execution of the mentally retarded. In Atkins, the Court noted that in the 13 years following Penry, 16 additional States have enacted laws banning such executions. In addition, 12 States do not have the death penalty at all, meaning that a total of 30 States do not permit the execution of the mentally retarded. Therefore, the Court concluded that a 'national consensus' has emerged against the execution of the mentally retarded. Because the Court interprets the eighth amendment in accordance with 'evolving standards of decency that mark the progress of a maturing society,' the Court concluded that the emergence of this national consensus rendered such executions unconstitutional. I applaud the Supreme Court's decision. And I do so not from the perspective of one who opposes the death penalty in all its applications..."*

Biden

Pages S 6008-9

HOUSE

Bills Introduced:

H.R. 5013. *A bill to amend the Immigration and Nationality Act to bar the admission, and facilitate the removal, of alien terrorists and their supporters and fundraisers, to secure our borders against terrorists, drug traffickers, and other illegal aliens, to facilitate the removal of illegal aliens and aliens who are criminals or human rights abusers, to reduce visa, document, employment, and voting fraud, to reform the legal immigration system, and for other purposes; to the Committee on the Judiciary.*

Gekas

Page H 3927

Memorials:

Memorial 302. Also, a memorial of the House of Representatives of the State of Michigan, relative to **House Resolution No. 354 memorializing the United States Congress to enact legislation to ban all human cloning**; to the Committee on the Judiciary.

Page H 3928

Reports Filed:

Reports were filed as follows:

Report on the Suballocation of Budget Allocations for Fiscal Year 2003 (**H. Rept. 107-529**);

Pages H 3927, D 674

H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003 (**H. Rept. 107-532**);

H.R. 4598, *to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities, amended* (**H. Rept. 107-534 Pt. 1**);

Pages H 3927, D 675

Reports Filed (Cont.):

H. Res. 458, providing for consideration of H.R. 4598, to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities (H. Rept. 107-535).

Pages H 3927, D 675

Suspensions:

The House agreed to suspend the rules and pass the following measures:

H.R. 4679 - Lifetime Consequences for Sex Offenders: to amend title 18, United States Code, to provide a maximum term of supervised release of life for child sex offenders (agreed to by a yea-and-nay vote of 409 yeas to 3 nays, Roll No. 255). Agreed to amend the title so as to read: "A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders."

Pages H 3871-74, H 3875-76, D 675

"... Study after study has shown extremely high recidivism rates for sex offenders. The lifelong harm that they cause to their victims far outweighs any inconvenience they may suffer as a result of lifetime supervision. This legislation will give the courts the ability to permanently monitor those individuals who have demonstrated a higher risk to society..." (Sensenbrenner, page H 3971)

"...Even though I agree with the policy behind H.R. 4679, I must remind my colleagues that the responsibility for investigating, prosecuting and punishing sex crimes is solely that of state and local governments. We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that 'The trend to federalize crimes that traditionally have been handled in state courts threatens to change entirely the nature of our federal system.' [] I must remind my colleagues that this is an area over which Congress has no constitutional responsibility..." (Paul, page H 3973)

H.R. 4623 - Child Obscenity and Pornography Prevention: amended, to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children (agreed to by a yea-and-nay vote of 413 yeas to 8 nays with 1 voting "present," Roll No. 256)

Pages H 3876-84, H 3913, D 675

"...A statute must be adopted that narrows the definition of child pornography to withstand constitutional muster. H.R. 4623, the Child Obscenity and Pornography Prevention Act of 2002, does that. In response to the Court's decision, this bill narrows the definition of child pornography, strengthens the existing affirmative defense, amends the obscenity laws to address virtual and real child pornography that involve visual depictions of pre-pubescent children, creates new offenses against pandering visual depictions as child pornography, and creates new offenses against providing children obscene or pornographic material..." (Sensenbrenner, Page H 3879)

"... So it is very clear. This bill is clearly unconstitutional. It is an exercise in pure politics. It is simply going to get the Supreme Court to rule again, when it has already told us on exactly the same point. The attempt by the bill to slightly narrow the definition does not matter. Either it is obscene or it is not. If it is not obscene, it is protected, unless real children were used in the production of it; and if they were not, it is still protected speech, period. That is the Court's analysis. [] We cannot overturn a Supreme Court interpretation of the Constitution of the United States by a bill in Congress..." (Nadler, Page H 3882)

Suspensions--Proceedings Postponed:

The House completed debate on the following motions to suspend the rules relating to the following measures. Further proceedings on the motions were postponed until Wednesday, June 26.

H.R. 4477 - Sex Tourism Prohibition: amended, to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism.

Pages H 3884-86, D 675

Committee Meetings:

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Civil Rights Division of the U.S. Department of Justice.

Page D 676

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims and the Subcommittee on Crime, Terrorism, and Homeland Security held a joint oversight hearing on "The Risk to Homeland Security From Identity Fraud and Identity Theft."

Committee on Rules: Granted, by voice vote, an open rule on **H.R. 4598, to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities** providing one hour of general debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that it shall be in order to consider as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule provides that the bill shall be open for amendment by section. The rule allows the Chairman of the Committee of the Whole to accord priority in recognition to those Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Chambliss.

Page D 677

Committee Meetings for Wednesday, June 26, 2002:

Committee on Government Reform: @ 1:00 p.m. Subcommittee on Civil Service, Census and Agency Organization, hearing on "Homeland Security: Should Consular Affairs be Transferred to the new Department of Homeland Security?" 2203 Rayburn.

Committee on the Judiciary: @ 2:00 p.m. Hearing on "The Proposal to Create a Department of Homeland Security." 2141 Rayburn.

Page D 678

Committee on Resources: @ 10:00 a.m. To mark up the following: H.R. 3534, Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act. 1324 Longworth.

Pages D 678-79

Committee on Transportation and Infrastructure: @ 11:00 a.m. To consider the following: H.R. 4635, Arming Pilots Against Terrorism. 2167 Rayburn.

Remarks:

Issuance of Visas is Now a National Security Function.

Weldon

Pages H 3916-17

New Public Laws

H.R. 3275, to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts. Signed on June 25, 2002. (Public Law 107-197)

Pages 677-78

Next SENATE MEETING: Wednesday, 9:30 a.m., June 26, 2002.

Next HOUSE MEETING: Wednesday, 10:00 a.m., June 26, 2002.

OLA: S. Schwarz, A. Santos